

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018- -T

IN RE: Petition of the Office of Regulatory Staff to)	PETITION FOR REVOCATION OF
Revoke Certificates of Public Convenience)	CERTIFICATES OF PUBLIC
and Necessity of Certain Motor Carriers For)	CONVENIENCE AND NECESSITY
Failure to Maintain and File Evidence of)	OF CERTAIN MOTOR CARRIERS
Insurance)	

The South Carolina Office of Regulatory Staff (“ORS”), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina (“Commission”):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq.* (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as “motor vehicle carriers” as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity (“PC&N”) to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq.* (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.” 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are “aware of the commission's insurance requirements and the costs associated therewith.” 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission’s order granting authority, the certificate, and any license issued to the motor carrier....” 10 S.C. Code Ann. Regs. 103-175 (2012); further, that “the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full force

and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

9. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria....” 10 S.C. Code Ann. Regs. 103-240 (2012).

10. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.” S.C. Code Ann. § 58-23-320 (2015).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



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August 8, 2018
Columbia, South Carolina

Exhibit A - Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance

August 7, 2018

Docket No. _____

EXHIBIT A
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No.	Docket #	Cert Type	NAME	DBA	ADDRESS	CITY	STATE	ZIP CODE
1	2015-222-T	Class C Taxi	Andrew Wilson	Premier Transportation Service	7879 Wadesboro Rd Apt 102	N Charleston	SC	29418
2	2017-267-T	Class C Charter	Angel Transportation Services LLC		1128 McKnight Rd	Mount Pleasant	SC	29466
3	2011-364-T	Class C Taxi	Antoine Heyward	Low Country Taxi	717 Old Trolley Rd Ste 6 #20	Summerville	SC	29485
4	2015-302-T	Class C Charter Bus	Eighty Six VIP Transportation LLC		761 Longtown Rd West	Blythewood	SC	29016
5	2011-182-T	Class C Non-Emer	Elite National Transportation Service, LLC		623 Garden Hills Dr	Florence	SC	29505
6	2017-145-T	Class C Charter	Executive Rides LLC.		716 Zimal Crest Ste 3704	Columbia	SC	29210
7	2015-418-T	Class C Taxi	Glen McKinney	McKinney Transport & Taxi	206 Prestwick Rd	Myrtle Beach	SC	29588
8	2011-174-T	Class C Non-Emer	GPS Transportation, LLC		PO Box 1578	Orangeburg	SC	29116
9	2016-237-T	Class C Charter	Jane J. Holseberg	Pink Checkered Express	6600 Rivers Ave #315	North Charleston	SC	29406
10	2002-399-T	Class C Taxi	John F. Wilder		638 W Oakland Ave	Sumter	SC	29150
11	2012-175-T	Class C Taxi	Jose Barrer Ortiz	Taxi Ortiz Veloz	104 Plateau Rd	Saluda	SC	29138
12	2014-282-T	Class C Taxi	Lahcen Benhoummad	North Strand Taxi	808 65th Ave N Apt #11	Myrtle Beach	SC	29572
13	2013-134-T	Class C Charter	Longo's Limos, LLC		17 Catbriar Ct	Simpsonville	SC	29680
14	2011-94-T	Class C Charter	Molet Limo, LLC		PO Box 21235	Charleston	SC	29413
15	2016-380-T	Class E HHG	Nu-Lyfe Moving, LLC		6942 Highway 162	Hollywood	SC	29449
16	2014-130-T	Class C Non-Emer	P & P Transportation Company LLC		137 Roost Rd	Hopkins	SC	29061
17	2015-215-T	Class C Charter	Palmetto Limousine and Shuttle Service, LLC		424 McGee Rd	Anderson	SC	29625
18	2015-39-T	Class C Charter	R&E Car Service LLC		35 Peachtree St	Charleston	SC	29403
19	1994-503-T	Class C Taxi	Rudolph A. Bradley		PO Box 2139	Georgetown	SC	29442
20	2014-183-T	Class C Charter	Surinder Cheema	Cheema Transport	1108 3rd Ave S	Myrtle Beach	SC	29577
21	2016-104-T	Class C Charter	The Valet Express, LLC		167 E Kennedy St	Spartanburg	SC	29306
22	2016-55-T	Class C Non-Emer	True Care Transportation LLC		1186 Dirty Branch Rd	Conway	SC	29527
23	2016-217-T	Class E HHG	Westbrook Charleston, LLC		4 Kyle Place	Charleston	SC	29403

EXHIBIT B

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

August 7, 2018

IN RE: Petition of the Office of Regulatory Staff to Revoke
Certificates of Public Convenience and Necessity of
Certain Motor Carriers for Failure to Maintain and
File Evidence of Insurance

**AFFIDAVIT OF
CAROLE CHAUVIN**

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On August 7, 2018, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012) has not been filed with ORS by the following carriers as of August 7, 2018: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 7th day of August, 20 18

Barrell

Notary Public for South Carolina
My Commission Expires: 10/16/2027